

Remarks

At the time of the Notice of Non-Compliant Amendment, claims 21-40 were pending. However, claims 21-40 were withdrawn from consideration due to a restriction based on 37 CFR 1.145 (Subsequent presentation of claims for different invention).

The Examiner states that newly-submitted claims 21-40 should be restricted since these claims are directed to an alternative embodiment that is different in scope from the embodiment claimed in original claims 1 and 3-20. According to the Examiner, claims 21-40 read on FIGS. 8A-C of the present application whereas claims 1 and 3-20 per the Applicant's Office Action response dated September 20, 2007 read on FIGS. 9A-B. The Applicant disagrees and submits that claims 1 and 3-20 are sufficiently generic to read on FIGS. 8A-C as well as 9A-B (and FIGS. 12A-B) because these claims, which are now canceled, required: 1. magnifying a menu item to occupy a substantial entirety of the display screen (claims 1 and 13 which read on FIGS. 8B, 8C, 9B and 12B); and 2. deleting a first indicium from a first position, and displaying an enlarged first indicium in a center portion of the display screen (claim 17 which reads on FIGS. 8B, 8C and 12B). Because claims 1, 13, 21, 29 and 35 all required magnifying, the Applicant submits that the embodiments shown in FIGS. 8A-C, 9A-B and 12A-B are indistinct and, therefore, restriction of claims 21-40 is improper.

Nevertheless, according to the Examiner's comment at the bottom of page 2 of the Notice, the Applicant understands that the restriction has arisen because the scope of claims 21-40 differs from the scope of originally-presented claims 1-20 vis-à-vis the "impaired vision mode," which is omitted from claims 21-40. In response to the Notice, claims 21-40 are canceled and new claims 41-60 are submitted. Although claims 41-60 are similar to previously-submitted claims 21-40, these newly-submitted claims also require determining whether an impaired vision mode is set. It is submitted that claims 41-60 are commensurate in scope with claims 1-20 and that these newly-submitted claims should not be withdrawn. To this end, the Applicant respectfully requests acceptance of the claims, withdrawal of the Notice and prosecution on the merits of claims 41-60.

New claims 41-60 are introduced to more particularly and distinctly recharacterize the Applicant's method. The Applicant submits that newly-introduced claims 41-60 are fully supported by the specification and, therefore, no new matter has been added. Accordingly, the Applicant requests entry and examination of newly-submitted claims 41-60.

First, the Applicant points out that independent claim 41 recites the steps of, *inter alia*, superimposing a selected indicium on another indicium, magnifying the selected indicium to conceal an entirety of the other indicium, and reducing an opacity of the selected indicium that is concealing the other indicium so that the entirety of the other indicium is viewable. The Applicant has reviewed the cited art of record and respectfully submits that the recited steps are not taught, disclosed, suggested or contemplated, particularly with respect to an impaired vision mode being set. Accordingly it is submitted that claim 41 and the claims depending directly or indirectly therefrom (i.e., nos. 42-48) patentably distinguish over the cited art and are allowable.

Next, the Applicant points out that independent claim 49 recites the steps of, *inter alia*, concealing an entirety of a menu item with a selected menu item by magnifying the selected menu item, and reducing an opacity of the selected menu item so that the entirety of the concealed menu item is viewable. The Applicant has reviewed the cited art of record and respectfully submits that the recited steps are not taught, disclosed, suggested or contemplated. Accordingly it is submitted that claim 49 and the claims depending directly or indirectly therefrom (i.e., nos. 50-54) patentably distinguish over the cited art and are allowable.

Finally, the Applicant point out that independent claim 55 recites the steps of, *inter alia*, moving a selected icon from a first position to a location proximate to another icon, magnifying the selected icon to completely overlap the second icon, and reducing an opacity of the selected icon so that an entirety of the other icon is viewable through the selected icon. The Applicant has reviewed the cited art of record and respectfully submits that the recited steps are not taught, disclosed, suggested or contemplated. Accordingly it is submitted that claim

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55 and the claims depending directly or indirectly therefrom (i.e., nos. 56-60) patentably distinguish over the cited art and are allowable.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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